IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DAWN A. PIERCE, Appellant, v. GEORGE VOGEL, II, Appellee.	Civil Action No. 7:16-cv-00011 By: Elizabeth K. Dillon United States District Judge

ORDER REMANDING CASE AND DISMISSING APPEAL

Appellant Dawn A. Pierce, the debtor in the underlying bankruptcy case, appealed to this court from the bankruptcy court's order sustaining the trustee's objection to an exemption she claimed under Virginia Code § 34-29. (Dkt. No. 1.) The appeal has not yet been briefed or argued.

On March 3, 2016, the trustee notified the bankruptcy court that the debtor and the trustee had reached a compromise settlement, and asked that court to provide an indicative ruling, pursuant to Bankruptcy Rule 8008, approving the compromise settlement. Tr.'s Am. Mot. to Approve Compromise Settlement and for Indicative Ruling Pursuant to Bankruptcy Rule 8008, *In re Pierce*, No. 15-71047 (Bankr. W.D. Va. March 3, 2016), ECF No. 45. On March 8, 2016, the bankruptcy court entered an order stating that, if this court were to remand to the bankruptcy court for further proceedings, the bankruptcy court would grant the trustee's motion to approve the compromise settlement. As directed in that same order, the trustee has advised this court of the bankruptcy court's indicative ruling and provided a copy. (Dkt. No. 4 and Ex. A (Notice and March 8, 2016 Order and Indicative Ruling).)

Based on the court's review of the motion before the bankruptcy court and that court's ruling, it is clear that a remand would allow the compromise settlement to be approved and would dispose of all issues raised in this appeal. Accordingly, this court hereby REMANDS this matter to the bankruptcy court, pursuant to Rule 8008(c). The court further concludes that it is not necessary to retain jurisdiction, because the settlement will resolve the appeal in its entirety. Thus, it is also ORDERED that this appeal be DISMISSED and that the case be STRUCK from the active docket of the court.

Entered: March 15, 2016.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge